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CE

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX


Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

January 19, 2007

Benjamin Ostrer, Esquire
Village Attorney
Village of Harriman
1 Church Street
Harriman, NY 10926

RE: Docket No AB-290 (Sub-No. 283X), Norfolk Southern Railway Company -
Abandonment – in Harriman, Orange County, New York

Dear Mr. Ostrer:

This responds to your letter of November 15, 2006 concerning the above-captioned abandonment. The environmental report in this docket did advert to your previously expressed interest in the underlying right-of-way as well as the lease to Orange County which is under active consideration. The purpose of the environmental documentation in this regard is to discuss the suitability of the property for alternative public use and the relationship of the abandonment to existing land use plans, but not to adjudicate between alternative public use options. Moreover, the STB only will determine whether NSR may abandon the property as a line of railroad, not whether NSR remains the fee owner of the property or whether any third party is entitled to acquire it under State law. That would be left to the agreement of the parties or the processes of State law.

I understand that you have been in discussions with Mr. Jim Ahonen in Norfolk Southern's Real Estate department concerning this matter, and you should continue to address your interest in this corridor to Mr. Ahonen.

Very truly yours,



Marcellus C. Kirchner

cc: Surface Transportation Board
✓ Section of Environmental Analysis

Mr. Jim Ahonen

OSTRER ROSENWASSER, LLP
ATTORNEYS AT LAW

BENJAMIN OSTRER
STEWART A. ROSENWASSER

OF COUNSEL:
RAJAT P. MUNDKUR*
MICHAEL D. METH
MICHAEL MAZZARIELLO

TREVOR W. HANNIGAN
MORIAH M. NIBLACK
ANGELA GARCIA-McSWEENEY

*ALSO ADMITTED IN MISSOURI

(Reply to Chester unless marked)

CHESTER OFFICE
111 MAIN STREET
PO BOX 509
CHESTER, NY 10918
845-469-7577
FAX 845-469-8690

Reply to ☐
MONTGOMERY OFFICE
99 CLINTON STREET
PO BOX 69
MONTGOMERY, NY 12549
845-457-4646
FAX 845-457-9007

November 15, 2006

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9207

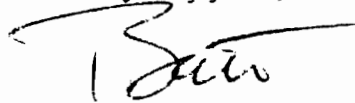
Re: Docket No.: AB-290

Dear Ms. Kirchner:

I am somewhat surprised that in the environmental report on proposed abandonment of the rail line, no mention was made of the Village of Harriman having exercised its rights under New York State Law to obtain title to the subject premises in light of the lengthy negotiations with your real estate division to purchase this portion of the rail bed within the Village of Harriman, from the northerly side of the bridge adjacent to Nepera crossing Harriman Avenue (NYS Route 17), to the current limits of the Village of Monroe. Would you kindly advise as to why no reference was made to the foregoing.

In any event, the Village is anxious to acquire title to the rail bed as previously indicated. We would therefore request that the Village of Harriman be the grantee of any abandoned portion of the railroad, with the exception of the existing railroad bridge crossing Route 17. I would appreciate your prompt advice concerning the foregoing.

Very truly yours,



Benjamin Ostrer
Village Attorney

BO/jdb
cc: Stephen Welle, Mayor
Evelyn Nazarro, Village Clerk/Treasurer
Edward Diana, County Executive